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Attn.: Examiner Jong-Suk (James) Lee Group Art Unit: 3673 Serial No.: 10/601,051 Company: United States Patent and Trademark Office Location: Washington, D.C. Phone: 703-308-6777 Fax: 703-746-9371	From: Patrick J. O'Connell Direct phone: 612-334-8993 Date: September 20, 2004 Pages including cover sheet: 5 Reference #: 406
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Comments:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert A. MacDonald Attorney Docket: KEY1017USC1
Serial No.: 10/601,051 Group Art Unit: 3673
Filed: June 20, 2003 Examiner: Jong-Suk Lee
For: RETAINING WALL BLOCK SYSTEM

TRANSMITTAL LETTER

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Transmitted herewith are the following:

1. Three Terminal Disclaimers in compliance with 37 C.F.R. 1.321(c) (3 pages).

Please charge any additional fees which may be required, or credit any overpayment, to Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

Date: 9/20/04

By

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Customer No. 009561

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**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT****Docket Number
KEY1017USC1**

In re Application of: Robert A. MacDonald
 Application No.: 10/601,051
 Filed: June 20, 2003
 For: RETAINING WALL BLOCK SYSTEM

The owner*, Keystone Retaining Wall Systems, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,149,352. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.


In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2. ☒ The undersigned is an attorney or agent of record.

 9/20/04
 Signature Date

Patrick J. O'Connell

(612) 334-8989

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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Application No.: 10/601,051

Filed: June 20, 2003

For: RETAINING WALL BLOCK SYSTEM

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